

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

Gilbert Louis Mobley

*(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)*

**-against-**

Greene County Highway Department

Emery Sapp & Sons

*(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)*

**Complaint for a Civil Case**

Case No. 22-3007-CV-S-MDH  
(to be filled in by the Clerk's Office)

**REQUEST FOR TRIAL BY JURY**

Plaintiff requests trial by jury.  Yes  No

## I. The Parties to This Complaint

### A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Gilbert L Mobley
Street Address	5110 S Woodfield Place
City and County	Springfield Greene
State and Zip Code	Missouri 65810
Telephone Number	1-417-848-6100
E-mail Address	drgilmobley@gMail.com

### B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	Greene County Highway Department
Job or Title (if known)	
Street Address	2065 N Clifton Ave
City and County	Springfield Greene
State and Zip Code	Missouri 65803
Telephone Number	1-417-831-3591
E-mail Address (if known)	

Defendant No. 2

Name	Emery Sapp & Sons
Job or Title (if known)	
Street Address	5359 State Highway AA
City and County	Springfield Greene

State and Zip Code    Missourir 65803

Telephone Number \_\_\_\_\_

E-mail Address \_\_\_\_\_  
(if known)

## II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only three types of cases can be heard in federal court. Provide the designated information for this type of case. *(Check all that apply)*

Federal question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

23 US Code g 106 ; Federal Oversight of Highways

\_\_\_\_\_

Suit against the Federal Government, a federal official, or a federal agency

List the federal officials or federal agencies involved, if any.

\_\_\_\_\_

Diversity of Citizenship

These are cases in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

### A. The Plaintiff(s)

The plaintiff, *(name)* \_\_\_\_\_, is a citizen of the State of *(name)* \_\_\_\_\_.

*(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)*

B. The Defendant(s)

1. If the defendant is an individual

The defendant, (name) \_\_\_\_\_, is a citizen of the State of (name) \_\_\_\_\_. Or is a citizen of (foreign nation) \_\_\_\_\_.

2. If the defendant is a corporation

The defendant, (name) \_\_\_\_\_, is incorporated under the laws of the State of (name) \_\_\_\_\_, and has its principal place of business in the State of (name) \_\_\_\_\_. Or is incorporated under the laws of (foreign nation) \_\_\_\_\_, and has its principal place of business in (name) \_\_\_\_\_.

*(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)*

C. The Amount in Controversy

The amount in controversy---the amount the plaintiff(s) claims the defendant(s) owes or the amount at stake---is more than \$75,000, not counting interest and costs of court, because (explain):

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**III. Statement of Claim**

Write a short and plain statement of FACTS that support your claim. Do not make legal arguments. You must include the following information:

- What happened to you?
- What injuries did you suffer?
- Who was involved in what happened to you?

- How were the defendants involved in what happened to you?
- Where did the events you have described take place?
- When did the events you have described take place?

If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

The proposed Kansas Expressway Extension construction south of Springfield, MO, is set to begin immedi\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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#### **IV. Relief**

State briefly and precisely what damages or other relief you want from the Court. Do not make legal arguments.

Stop the construction and preparation efforts immediately and until ESS and GCHD secure geotechnical en\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Do you claim the wrongs alleged in your complaint are continuing to occur at the present time?

Yes  No

Do you claim actual damages for the acts alleged in your complaint?

Yes  No

Do you claim punitive monetary damages?

Yes  No

If you indicated that you claim actual damages or punitive monetary damages, state the amounts claimed and the reasons you claim you are entitled to recover these damages.

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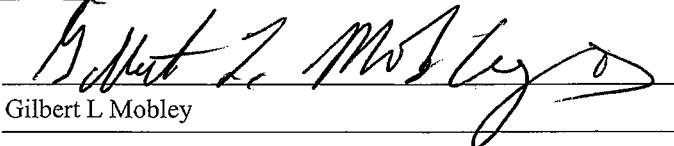
#### **V. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: January 5, 2022.

Signature of Plaintiff



Printed Name of Plaintiff

Gilbert L. Mobley

## III. **The Claim**

**From:** Gilbert Mobley <drgilmobley@gmail.com>  
**To:** mailboxtoomo@gmail.com  
**Subject:** The Claim  
**Date:** Friday, January 07, 2022 1:14 PM  
**Size:** 1.3 MB

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The proposed Kansas Expressway Extension construction south of Springfield, MO, is set to begin immediately.

**(Exhibit 1: Springfield News**

**Leader: <https://www.ky3.com/2021/12/21/greene-county-commission-signs-off-construction-plan-kansas-expressway-extension/>**) However, the Emery Sapp & Sons superintendent for the job, Mr. Levi Jackson, is totally unfamiliar with the existence of the geotechnical report required completed in 2018 in preparation for this project.

**(Exhibit 2: Palmerton & Parrish, Inc or PPI; Geotechnical Report for the Kansas Expressway Extension)**

Mr. Jackson affirmed to me this week that he was unfamiliar and unaware of any such report on three separate days this week in person to person meetings at the future work site and later on the phone in a follow up call.

The reason this is a request for an emergency injunction is because several of the geological features along the corridor pose significant hazards to my personal health and public safety of the highway that the construction crew is unaware of.

The PPI geotechnical engineering survey identified a couple dozen karst (caves, open collapses and/or voids & caverns) features along the entire corridor extension.

**(Exhibit 3: Table of karst features along corridor and adjacent affected areas)** The subject of this request for injunctive relief are two open collapses right in the middle of the proposed roadway and immediately adjacent (a few hundred feet) to my neighborhood water well for my home and 7 others in this subdivision. These open collapses are

designated KE13 and KE14.

The well water system sustaining me at my home for 35 years is in very close proximity to these two open collapses. These collapses are in need of specific engineering oversite, excavation and assesment to monitor their extent and repair according to this engineering report. The KE13 and KE-14 are also in position to funnel contaminated and toxic, polluted groundwater and highway pollution runoff directly into the immediate vicinity of my well upon any disruption of the level, grassy terrain. The open collapse pictured (**Exhibit 4: Pic of KE-13**) is actually in the roadside drainage ditch that invariably remains dry (for now) due to the grassy, level terrain. The health hazards from highway water runoff are well documented. (**Exhibit 5:**

**[https://courses.washington.edu/gmforum/topics/trans\\_water/trans\\_water.htm](https://courses.washington.edu/gmforum/topics/trans_water/trans_water.htm)**

These two open collapses are also directly in the path of the Kansas Expressway Extension in south Greene County and pose the risk of catastrophic collapse of entire highway segments as we've seen and often repeated locally. (**Exhibit 6: [This is the reason that these two collapses are specifically outlined and highlighted in bold type in the Executive Summary.](https://www.ky3.com/2021/06/04/modot-has-started-around-the-clock-repairs-on-i-44-sinkhole-thats-forcing-miles-long-back-ups-in-springfield-area/</a></u></b>)</p></div><div data-bbox=)**

***"Frequent or near full-time observation by a qualified representative such as PPI for repair and stabilization of karst features will be important as recommendations must be modified / refined as conditions are exposed."***

KE-13 and KE 14 are also located at the acre Emery Sapp & Sons company calls Ground Zero for their GPS anchor, worksite trailer and parking lot for employees and heavy equipment during the future years of construction.

requirements, yet the company is poised to start grading in a matter of days. Geotechnical oversight is unavailable and not even on the superintendent's or even local ESS official's radar.

In preparation of the future worksite headquarters, on Wednesday (01/05/2022) a bulldozer delivered the work trailer to the property with KE-13 and KE-14. I know exactly where the open collapses are; you can see them from yards away. Upon inquiring, the bulldozer diver and superintendent Mr. Jackson remained clueless when I asked if either of them knew where these open collapses were. (**Exhibit 7: photo attached of the initial stage being planned at Ground Zero as the trailer is preliminarily moved into place and left ajar.**) The acre will soon become a dusty/muddy, oily parking lot with heavy equipment and a worker parking lot washing directly into my tap water from KE-13 & 14, not to mention the other two dozen karst features not so close but along the corridor.

Even locally, within walking distance from our neighborhood we've seen that construction of a simple farm road by this very same Greene County Highway Department on top of a karst cave-and-void-ridden terrain can be utterly catastrophic. Please take a look at what this same clueless crew / Greene County Highway Department happened upon just one mile to the south/southwest of our neighborhood 15 years ago. (**Exhibit 8: <https://www.springfieldmo.org/blog/post/the-history-of-riverbluff-cave-in-springfield-missouri/>**) Of note, is that the current constructed staircase opening to this world treasure, (the only preserved prehistoric ice age cave on our continent that was discovered 16 years after the Kansas Extension was mapped), is less than 100 feet away from the terminal portions of the proposed and approved corridor. The Riverbluff Cave is doomed and so is our ground water and as a result, my health is in jeopardy and the integrity of the highway's foundation is questionable.

A clear, imminent and immediate threat exists to my health

and well being resultant from abundant runoff pollution from the construction zone and future roadway into my drinking water resultant from these egregious oversights outlined above should construction be allowed to progress. Longer term threats to the public safety of the roadway's integrity are clearly obvious and lurking unbeknownst to the ESS crew.

ESS needs to understand that they are not, "...in Kansas anymore." Had they been aware of this Geotechnical report they would know that the topography abruptly changes from Weaver Road, southward and proceeded accordingly with the appropriate due diligence we'd expect from our public servants to protect our water and road integrity/safety.

I beg the court to grant injunctive relief until the non-monetary requirements health hazards & public safety elements outlined below are satisfactorily met and to assure the continuation of the status quo sustaining my personal health with safe water and nearby roads.

## Relief :print off this email too please

**From:** Gilbert Mobley <drgilmobley@gmail.com>  
**To:** mailboxtoomo@gmail.com  
**Subject:** Relief :print off this email too please  
**Date:** Wednesday, January 05, 2022 3:40 PM  
**Size:** 16 KB

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Relief:

Stop the construction and preparation efforts immediately and until:

ESS and GCHD secure geotechnical engineering specifications for repair of each itemized karst feature of concern along the entire corridor with commitment and provisions to public oversight and updates. This includes the itemized features on and off (but adjacent to) the corridor in the "affected areas".

Geotechnical Engineer to submit to ESS/GCHD and the public the plan of action to mitigate groundwater contamination and catastrophic highway collapse for each of the karst features listed along the KE corridor in the engineering report appendix.

Greene county to use their ground-void detection device to do reconnaissance all along the corridor to investigate the presence of voids and caves along the entire corridor and contingent areas

Greene County commits to monitoring water well contamination for all wells on properties adjacent to the corridor serving as a source for untreated well water, biannually for two decades with reports to the well users and the appropriate county regulators.

PPI complete and make available to GCHD, ESS and the public the never-done but required investigations for the listed karst features along the property on the eastern edge of the Archery Center and along both the eastern edge and western edge of Steinert Road as it heads south at the terminal aspects of the corridor. This property had not been attained by the GCHD until after the last investigations and studies were conducted and reported by PPI. Additional current openings into the Riverbuff Cave Network (one easily seen from Steinert Road and the remnant of the prehistoric openings for Cavemen and women) are conveniently being neglected as they had never been investigated...yet. ("on private property".... THEN!)

There was a carefully timed transfer of land from the City of Springfield to the GCHD to avoid the property being available for study during the period

of the Geotechnical studies, FOR THE PROPERTY DIRECTLY ADJACENT TO THE ONLY PRESERVED PREHISTORIC ICE AGE CAVE ON OUR CONTINENT. Each of these karst formations pose a great threat to a highway's integrity and runoff into the underlying caverns will poison our groundwater and tap water from our wells.

I am asking for the maintaining of the status quo for safe drinking water that I have used for 35 years ... and tested safe by the county as well as third parties.

If the defendants are unable to assure me and the Court of the above requirements, an alternative to be considered would be for Greene County to pay the ~\$100,000 fee it would require for me to get safe non toxic tap and drinking water for my continued future.